

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

BRAD TUKES,

Civil No. 05-2088 MJD/SRN

Plaintiff,

v.

ORDER

MONICA TUKES,

Defendant.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 13, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 5), is

**DENIED;**

2. Plaintiff's "exparte expirdicted [sic] motion," (Docket No. 3), is **DENIED AS MOOT;**

3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b);

4. Plaintiff is required to pay the unpaid balance of the court filing fee, namely

the full \$250, in accordance with 28 U.S.C. § 1915(b)(2); and

5. For purposes of 28 U.S.C. § 1915(g), this action is dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.”

DATED: October 3, 2005

s/ Michael J. Davis  
Judge Michael J. Davis  
United States District Court Judge